

Serial No. 09/890,741

Remarks

This Application is currently under Final Rejection. Claims 14-16 and 20-25 currently stand allowed. Claims 6-9, 17 and 18 currently stand allowable, but objected to as being dependant from rejected base claims. Claims 1-5, 10, and 26-29 currently stand rejected.

Claim 1 currently stands rejected as indefinite under 35 U.S.C. §112, second paragraph for containing "a stray 'I'" superimposed on formula I. It is noted that this is a roman numeral 1 identifying the formula as "Formula I", which strayed during printing and was not previously noticed. This typographical error has been corrected. Withdrawal of the rejection is requested.

Applicants disagree with the characterization of Claims 28 and 29 as being indefinite as discussed in prior responses. However, in an effort to expedite the allowance of the present case, Applicants have cancelled the rejected Claims 28 and 29, reserving the right to further prosecute such claims in a divisional application. These rejections are now obviated in this case.

Claims 1-5, 10, and 26-29 currently stand rejected under 35 U.S.C 103(a). Applicants maintain their disagreement with these rejections as previously argued. However, in an effort to expedite the allowance of the present case, Applicants have amended Claim 1 to comport with allowable Claim 6, including all intervening claims, canceled Claims 4-6 and 22 as now being redundant, amended Claims 10 and 26 to make the scope of Formula I therein equivalent to the scope of Formula I of Claim 1, and amended Claims 7, 23, and 25 to correct their dependencies accordingly. It is submitted that the contended portion of the scope of previously rejected Claims 1, 2, 3, 10, 26, and 27 has been removed by the limitation of the scope of Formula I to comport with allowable Claim 6, and that the rejections of these Claims have now been obviated. Withdrawal of the rejections is requested.

Claims 17 and 18 currently stand objected to as being dependent upon a rejected base claim. It is noted, however, that Claim 17 depends from allowed Claim 14 and Claim 18 depends from allowed Claim 16, which itself is dependent from allowed Claim 14. These objections are therefore erroneous oversights and their withdrawal is requested.

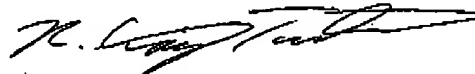
Applicants reserve the right to further prosecute claims to the cancelled/omitted subject matter in a divisional application.

Serial No. 09/890,741

Applicants believe all rejections and objections to the present application have been obviated and that the application is in condition for allowance. Reconsideration and timely issuance of a notice of acceptance is requested.

The Examiner is invited to telephone the below signed attorney if there are any further issues or questions regarding this application if such could facilitate the allowance of this case.

Respectfully submitted,



R. Craig Tucker
Attorney/Agent for Applicant(s)
Registration No. 45,165
Phone: 317-433-9829

Eli Lilly and Company
Patent Division
P.O. Box 6288
Indianapolis, Indiana 46206-6288

December 24, 2003